



**IT IS ORDERED as set forth below:**

**Date: July 20, 2018**

**Jeffery W. Cavender  
U.S. Bankruptcy Court Judge**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In Re:  
**Kathleen Summers,**

Debtor.

Chapter 13

Case No. **17-65230-JWC**

**U.S. Bank Trust National Association, not in its individual capacity but solely as Delaware trustee and U.S. Bank National Association, not in its individual capacity but solely as Co-Trustee for Government Loan Securitization Trust 2011-FV1,**

Movant,

V.

**Kathleen Summers aka Kathleen Tricia Summers, Debtor, and Jeff S. Summers, Codebtor, and Nancy J. Whaley, Chapter 13 Trustee,**

Respondents.

Contested Matter

**ORDER GRANTING RELIEF FROM STAY  
AND ORDER GRANTING RELIEF FROM CODEBTOR STAY**

Movant's motion for relief from the automatic stay of 11 U.S.C. § 362(a) and motion for relief from codebtor stay of 11 U.S.C. § 1301 (Doc. No. 37) came on for hearing on March 20, 2018. The hearing was subsequently rescheduled to June 5, 2018 and June 26, 2018. Movant asserts that it properly

served the Motion and notice of the hearing on the Respondents. No one filed a response or objection to the motion or appeared at the hearing in opposition to the motion. The Court, having considered the motion and all other matters of record, has determined that relief from the automatic stay should be granted as set forth herein.

It is, therefore, ORDERED as follows:

1. The automatic stay of 11 U.S.C. § 362 and the Codebtor Stay of 11 U.S.C. § 1301 is hereby terminated to permit Movant and its successors and assigns to assert and exercise all of their rights and remedies with regard to the property commonly known as 3033 Lake Avenue, Hapeville, GA 30354, more particularly described at Deed Book 23756, Page 248, Fulton County records (“the Property”), including, but not limited to, the institution and completion of foreclosure and dispossessory proceedings in accordance with applicable law and the collection of reasonable fees from the Property to the extent permitted by applicable law.
2. This Order does not determine any issues with regard to the amount or validity of the claim of the Movant, its successors or assigns, or any rights or interests of the Movant, its successors or assigns, the Debtors, or any other entity in the Property.
3. Upon the completion of any foreclosure sale prior to the closing of this case, if the proceeds of the sale exceed the amount to which the Movant is entitled, the Movant shall file a report showing the disposition of such excess in accordance with applicable law and shall pay to the Trustee in the case any amount otherwise due to the Debtors.

4. This Order shall be effective immediately, and the stay under Fed. R. Bankr. P. 4001(a)(3) shall not apply.

5. The Chapter 13 Trustee shall cease disbursements on Movant's Proof of Claim. It is further ordered the Debtor(s)' plan is modified to provide that the payments of the Movant's claim shall no longer be provided for under 1322(b)(5) and that the trustee shall cease funding the same claim upon entry of the order and therefore Rule 3002.1 is no longer applicable.

**END OF DOCUMENT**

Prepared by:

No Opposition

/s/

\_\_\_\_\_  
Lucretia L. Scruggs  
Georgia Bar No. 371008  
Attorney for Movant  
211 Perimeter Center Parkway, N.E.  
Suite 300  
Atlanta, GA 30346  
770-220-2535

/s/

\_\_\_\_\_  
Julie M. Anania  
Georgia Bar No. 477064  
Nancy J. Whaley, CH 13 Trustee  
303 Peachtree Center Avenue  
Suite 120, Suntrust Garden Plaza  
Atlanta, GA 30303  
(678)992-1201

*with express permission*

**DISTRIBUTION LIST**

KATHLEEN SUMMERS  
3033 Lake Avenue  
Atlanta, GA 30354

JEFF S. SUMMERS  
3033 Lake Avenue  
Hapeville, GA 30354

SAEDI LAW GROUP, LLC  
Suite 103  
3006 Clairmont Road  
Atlanta, GA 30329

NANCY J. WHALEY, CH 13 TRUSTEE  
303 Peachtree Center Avenue  
Suite 120, Suntrust Garden Plaza  
Atlanta, GA 30303

Shapiro Pendergast & Hasty, LLP  
211 Perimeter Center Parkway, N.E.  
Suite 300  
Atlanta, GA 30346